Annual Report

BC TREATY COMMISSION / WWW.BCTREATY.NET

2009

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Letter from the Chief Commissioner

Most of the accomplishments in my life were made possible by the gifts of wisdom and advice I received from elders and others and through learning our history I believe that, in part, our ability to successfully steer the BC treaty process through the next stage of its development requires some reflection on where we've been and what we've learned

In 1994, the Treaty Commission issued its first annual report which included this statement, "The Commissioners recognize that the treaty making process holds great importance for the future of the province and the country, that building new relationships after 140 years of inaction requires patience, goodwill, trust and understanding."

Ten years later the annual report noted, "There is a need to reconcile our interests to unlock the economic potential in this province."

These words are as true and meaningful now as they were then. Treaties are important to our common future, patience and good will are still needed, building trust and understanding is a work in progress. Reconciliation between First Nations, the governments of Canada and BC is essential for economic progress. However, there is a growing perception by many that the treaty process is off track. Of particular concern are the long standing barriers to progress that have not been addressed to the satisfaction of all parties.

One response to this concern was the development of the Common Table, a group comprising representatives of Canada, BC and more than 60 First Nations that met in mid-2008. This Table was tasked with identifying obstacles, addressing barriers and promoting the speedy conclusion of fair and viable agreements based on the recognition and reconciliation of aboriginal title and rights. The participants were expected to take the outcomes of the work to their respective decision-makers for consideration and direction. Regrettably, the opportunities identified to break down the barriers preventing progress are slow to materialize.

During the past year, the provincial government and First Nations, both in and outside the treaty process have engaged in discussions on how more substantive and tangible progress can be made on the 'new relationship'. Among the options explored was a recognition and reconciliation act. Although the idea was ultimately rejected by First Nations it helped to foster clear and candid dialogue among them and strengthened their commitment to work together and support each other as they follow their own paths. And it has contributed to current thinking on shared decision-making and revenue sharing in negotiations between the BC government and some First Nations and highlights the need for First Nations to resolve shared territory issues.

From Canada, there have been periods of silence and inaction thereby creating the perception they lack commitment to the process. The lack of negotiation mandates is viewed as evidence of this failing. A worrisome example is their lack of a fish mandate.

Given First Nations' growing debt load and the fragile state of our country's economy, getting beyond the barriers to settlement and reconciliation in the BC treaty process must be an urgent priority. Failure to act in a constructive and progressive manner will result in more litigation, confrontation, economic uncertainty and potentially the dissolution of the treaty process with no viable alternative.

Earlier I mentioned that the achievements in my life were partially attributable to advice and history, the other factors are vision and leadership. Reflecting on this reminded me of the words of a Ktunaxa elder, Mary Paul, who once said, "You only really lose something if you refuse to pick it up again." This is our challenge and our opportunity.

We must come together and pick up the hope and promise that underscored our collective commitment to the treaty process. Our resolve will weaken if we don't.

We need to revisit the language we use to make sure we have a common understanding. Misunderstandings may cause us to drift in different directions if we don't.

Each party must honestly and critically evaluate their own performance. Perhaps the parties should evaluate each others' performance.

We must revitalize mandates, drawing on the lessons of the past 17 years and on the new realities that have emerged in terms of law, policy, capacity and respective priorities.

Each of the participants must take on this work with a real sense of urgency and commitment to achieving tangible results. We must reflect on the importance of being truly accountable to our respective principals and constituents. In terms of the human and financial resources that are being committed we should be absolutely confident that we are doing the best job we can to provide a good return on investment. Each of the participants needs to be investors exercising flexibility, creativity, innovation and determination.

We must pick up the treaty process again and do whatever we can to complete treaties. We owe it to those that we are following who have given so much already. We owe it to those we have not yet met who should not have to deal with this great challenge because we could not or would not make it work.

My thanks and deep appreciation to my fellow commissioners and the exceptional staff who supported me during my first six months as chief commissioner and who are resolute in their dedication and commitment.

Congratulations to the Tsawwassen First Nation on the election September 27th of their first Legislative Assembly that will enact their own laws under their own Constitution. I am looking forward to the day when all First Nations are operating under their own constitutionally-recognized forms of government.

Sophie Pierre

SOPHIE PIERRE OIC
CHIEF COMMISSIONER

Our purpose

We facilitate treaty negotiations, fund First Nations to participate in treaty negotiations and keep people informed of treaty negotiations.

We are the keepers of the process, bringing people together to create the future, the new relationship which recognizes the unique place of aboriginal people and First Nations within the broader society.

"Historically, the conflict has focused on rights to land, sea, and resources.

However, the ultimate solution lies in a much wider political and legal reconciliation between aboriginal and non-aboriginal societies.

To First Nations, their traditional territories are their homelands. British Columbia is also home to many others who have acquired a variety of interests from the Crown.

In developing the new relationship these conflicting interests must be reconciled."

BC CLAIMS TASK FORCE REPORT JUNE 1991

OUR SYMBOL HAS MEANING,
there is a story behind it

PICTOGRAPHS ARE IN COMMON USE TODAY on universally understood signs that provide directions or instructions. A pictograph may tell a story and convey its meaning through its resemblance to a physical object, in this case an arrowhead.

MERGING PAST AND PRESENT, the Treaty Commission arrowhead represents the three Principals in modern-day treaty making — the governments of Canada, British Columbia and the First Nations Summit. Pointing in an upward and forward direction, the arrowhead signifies the coming together that is necessary to conclude a treaty and establish a new relationship.

WE HAVE A SLOGAN,
it defines who we are

The independent voice of treaty making in British Columbia

"If the parties do not remove obstacles blocking progress, the commission should make public its recommendation to resolve the delay."

BC CLAIMS TASK FORCE REPORT JUNE 1991

The results of the negotiations,

if successful, will be set out in a treaty, a detailed plan for a new relationship.

The Year in Review

Recent events underscore, perhaps more than ever, that the BC treaty process is the appropriate path to reconciliation. Despite its shortcomings, the treaty process still holds the promise of comprehensive reconciliation, one that re-establishes self government with constitutional protection, reaffirms a First Nation's place on the land, and provides resources and cash.

Treaty making is unfinished business in British Columbia. A just relationship has to be established for historic and legal reasons, but also for practical purposes — to restore the social and economic well being of First Nation communities and to reach agreement on land, water and resource use and protection throughout the province.

Two treaty completions have delivered made-in-BC agreements for First Nations to consider in carrying out their own treaty negotiations. In completing the Maa-nulth First Nations Final Agreement the parties were able to agree on early land transfers that have the potential for immediate economic benefit. Relatively new incremental treaty agreements are able to provide similar benefits.

An opening in mandates appears possible given the willingness of the governments of Canada and British Columbia to further explore the opportunities that emerged from discussions at the common table. There has been an initial response to the 21 opportunities for progress in treaty negotiations the parties identified during 13 days of talks with First Nations in mid-2008.

In the Speech from the Throne in February 2009 the BC government pledged to introduce a *Recognition and Reconciliation Act* that would recognize First Nations' aboriginal title and rights. That proposal was rejected by First Nations. But it has contributed to current thinking on shared decision-making and revenue sharing in negotiations between the BC government and some First Nations and highlights the need for First Nations to resolve shared territory issues.

Treaty Completions

The Maa-nulth First Nations treaty with five First Nations on Vancouver Island that took 15 years to negotiate came to a speedy conclusion with its passage in the House of Commons and Senate in June, a major success for the parties and for the BC treaty process.

The Maa-nulth First Nations Final Agreement made its way through the House of Commons, the Senate, and the Senate Standing Committee on Aboriginal Peoples and received royal assent from the Governor General in just four days, a rare achievement for this country's parliament.

Quick ratification by the Government of Canada followed ratification in the BC legislature in November 2007 and by the five First Nations in October 2007. The 18-month delay before federal ratification was the result of fisheries litigation brought forward by one Maa-nulth First Nation and the Nuu-chah-nulth First Nations.

For the Treaty Commission, passage of the Maa-nulth First Nations Final Agreement showed that the Government of Canada thought the treaty sufficiently important that it took action to ratify the treaty under tight timelines and with the full cooperation of the other parties in the House of Commons, and the Senate. The agreement provides 24,550 hectares of land and a capital transfer of $73.1 million, comprehensive self government and access to resources and resource revenues.

The effective date of the Maa-nulth treaty is yet to be determined.

RECOMMENDATION **1**

The First Nations, Canada, and British Columbia establish a new relationship based on mutual trust, respect and understanding — through political negotiations

* The Treaty Commission believes 10 of the 19 BC Claims Task Force recommendations require ongoing attention. See our Mission Statement at www.bctreaty.net

Another major success was the implementation of the Tsawwassen First Nation Final Agreement which is the first to be enacted under the BC treaty process.

A celebration on April 3, 2009 marked the effective date of the Tsawwassen treaty. Before hundreds of witnesses in the Tsawwassen longhouse the five members of the transitional government enacted the laws that will govern their land and people under the Tsawwassen First Nation Final Agreement. The treaty provides the First Nation with approximately 724 hectares of treaty settlement land and a one-time payment of $13.9 million, comprehensive self-government and resources, including new fiscal arrangements with the federal and provincial governments.

The hoped for momentum from the implementation of the Tsawwassen treaty and completion of the Maa-nulth treaty is yet to be realized by the four First Nations on the verge of treaty completion or for those First Nations seeking agreements in principle. No single issue is preventing treaty completion. The lack of a federal fish mandate has been a significant factor in delaying a final agreement for Sliammon First Nation. At Yale First Nation, new access issues have arisen as the governments of Canada and BC attempt to address the interests of neighbouring First Nations people. This situation underlines, yet again, the need to resolve territorial issues.

The Treaty Commission made an urgent plea to Fisheries and Oceans Minister Gail Shea and Indian and Northern Affairs Minister Chuck Strahl in August to resolve the fish issue for Sliammon First Nation so that negotiators can conclude negotiations and a vote by Sliammon members can proceed. The Treaty Commission will continue pressing for treaty completion and have offered to work with the federal government to find a solution to the fish issue.

Advanced final-agreement negotiations with the In-SHUCK-ch Nation and with Yekooche Nation are continuing.

There have been no agreements in principle concluded in the last several years. But the opportunity is there for the governments of Canada and British Columbia to conclude several agreements in principle as was set out the Treaty Commission's 2008 annual report. Those First Nations in advanced agreement-in-principle negotiations include K'omoks First Nation, Ktunaxa/Kinbasket Treaty Council, 'Namgis Nation, Nazko Nation, Northern Shuswap Treaty Society, Oweekeno Nation, Te'Mexw First Nation, Tla-o-qui-aht First Nation and Tsimshian First Nations.

However, land and cash offers from the governments of Canada and BC made to K'omoks First Nation, Ktunaxa/Kinbasket Tribal Council, 'Namgis Nation, Northern Shuswap Treaty Society and Te'Mexw First Nation have been soundly rejected for being too low. Negotiations are continuing to determine if the parties can conclude agreements in principle.

There are 60 First Nations, including 111 of the 198 BC *Indian Act* bands, participating in the BC treaty process. Because some First Nations negotiate together, there are 49 sets of negotiations. There is one First Nation in Stage 6, seven First Nations in Stage 5, and 43 First Nations in Stage 4. There are three First Nations in Stage 3 and six First Nations in Stage 2.

EARLY LAND TRANSFERS COMPLETED

Maa-nulth First Nations have taken possession of six parcels of prime waterfront land on the Pacific Ocean prior to their treaty coming into effect.

Early transfer means the lands can be developed before the effective date of the treaty and the First Nations can pursue financing and acquire mortgages on the lands being developed.

RECOMMENDATION **2**

Each of the parties be at liberty to introduce any issue at the negotiation table which it views as significant to the new relationship.

Ucluelet First Nation received a 34-hectare parcel adjacent to Pacific Rim National Park Reserve, land identified as key to the First Nation's economic development plans. Huu-ay-aht First Nation received a 31.5 hectare waterfront parcel on the north shore of Grapper Inlet adjacent to Bamfield. Toquaht Nation received a 19-hectare parcel at Stuart Bay near the entrance to Ucluelet Harbour. Uchucklesaht Tribe received 55 hectares at Green Cove and Lime Bay, waterfront property which is the site of a store owned and operated by the First Nation at the entrance to Uchucklesit Inlet, and Kyoquot/Checklesaht First Nation received 1.8 hectares at Fair Harbour where the First Nation leases property for its marina and 35 hectares on Amos Island near the First Nation community of Houpsitas.

INCREMENTAL TREATY AGREEMENTS COMPLETED

KLAHOOSE FIRST NATION and the BC government signed an incremental treaty agreement worth $2.1 million toward the purchase of a tree farm licence in their traditional territory. In exchange, the province asked the First Nation to return to treaty negotiations, which the First Nation has agreed to do. Klahoose will also receive $150,000 in two instalments to develop business and other opportunities.

Tree Farm Licence 10 has been described as one of the most valuable on the south coast of BC. Klahoose purchased the licence from bankrupt Hayes Forest Services for $3.75 million.

TLA-O-QUI-AHT FIRST NATION and the BC government concluded an incremental treaty agreement that provides 63 hectares of land to be transferred in stages as treaty negotiations progress.

The five parcels of land within the District of Tofino will be transferred as the parties reach milestones in treaty negotiations. A 16.3 hectare parcel of land has been transferred. Other transfers will come when the agreement in principle is reached, on its first anniversary, when a final agreement is initialled and when it is signed. The land will form part of the Tla-o-qui-aht final agreement and its post-treaty status will be determined through treaty negotiations. In the meantime, the land will be subject to the District of Tofino's zoning bylaws and property taxes.

HAISLA NATION members rejected an incremental treaty agreement that would have provided three parcels of land. Voter turnout was low and a second vote is under consideration.

Progress from the Common Table

First Nations had been exploring ways to make progress in treaty negotiations following years of dissatisfaction with federal and provincial mandates. The result was a major initiative – the Common Table to collectively negotiate aspects of treaties that First Nations had grown frustrated trying to negotiate on their own. Negotiators for more than 60 First Nation communities met with the governments of Canada and BC in sessions chaired by the Treaty Commission over 13 days.

The major issues discussed were:

- Recognition/Certainty, including overlapping claims/shared territories
- Constitutional Status of Lands
- Co-management throughout traditional territories, including structures for shared decision-making
- Governance
- Fiscal Relations (including own source revenue and taxation), and
- Fisheries.

RECOMMENDATION **6**

The treaty negotiation process be open to all First Nations in British Columbia.

RECOGNITION/CERTAINTY: From the Crowns' perspective certainty is the legal technique used in modern treaties to ensure there is a full and final settlement of the land question. From the First Nations' perspective, recognition is about acknowledging aboriginal title and ensuring the survival of First Nations' distinct cultures and societies, including their continued attachment to their traditional territories.

CONSTITUTIONAL STATUS OF LANDS: The legal status of treaty settlement lands is contentious. Existing Indian reserves in Canada are held in trust and are governed under Section 91(24) of the Constitution Act as federal lands that benefit from the *Indian Act* tax exemption. In recent treaties achieved in British Columbia treaty settlement lands are no longer 91(24) lands and are held by First Nations as a special form of fee simple title that is constitutionally protected.

SHARED DECISION-MAKING: This refers to arrangements reached among the parties to share decision-making over land and resource management. First Nations want to be involved in meaningful decision-making on matters affecting their entire traditional territories, not just on treaty settlement land.

GOVERNANCE: All parties recognize that First Nations require sufficient tools of governance to assume their responsibilities as decision-makers within their areas of jurisdiction. The governments of Canada and BC will not agree to exclusive First Nations authority. First Nations are seeking some exclusive authority within their jurisdictions and a minimum of federal and provincial government interference in their decisions.

FISCAL RELATIONS: A major obstacle is the end to the tax exemptions in a treaty. Also of concern is the ability of First Nations to raise and retain their own revenues and maintain and improve their fiscal relationship with the other two governments.

RECOMMENDATION **8**

First Nations resolve issues related to overlapping traditional territories among themselves.

FISHERIES: Fish and fisheries management is extremely complex reflecting the unique and changing nature of the resource and the multiple users. There are many interests and numerous stakeholders as well as the First Nations' rights holders. Treaty rights to food, social and ceremonial fisheries will have top priority after conservation and First Nations will have a place in the commercial fishery and a meaningful role in fish management.

Indian and Northern Affairs Minister Chuck Strahl and Aboriginal Relations and Reconciliation Minister George Abbott gave their initial responses to the Common Table Report at a special meeting in Vancouver in August 2009 with First Nations Summit executive members, the First Nation Common Table representatives and commissioners.

The Treaty Commission notes the Government of Canada's apparent willingness to consider many of the opportunities identified at the Common Table. More work on specific proposals is being undertaken by the federal government before any mandate changes will be brought back to individual negotiation tables.

The Treaty Commission notes the BC government's apparent willingness to negotiate specific solutions at individual tables on a number of issues including shared decision-making, governance and fiscal relations, including revenue sharing and funding arrangements for self government, and fisheries which is primarily a federal responsibility.

The First Nations Summit has requested the ministers "thoroughly respond to, and discuss, the report of the Common Table and next steps."

The Treaty Commission will continue monitoring and assessing the federal and provincial governments' actions in regards to the opportunities identified by the parties at the Common Table.

Looking Forward

The Treaty Commission, from its unique perspective as the keeper of the process, has reviewed the events of the past year and sees opportunities for progress in treaty negotiations.

The way to complete fair treaties

The Treaty Commission recommends three actions that will provide the catalyst to invigorate negotiations and complete fair treaties.

#1. Reaffirm the commitment
The governments of Canada and BC and the First Nations Summit should publicly re-affirm their commitment to completing treaties within the BC Treaty Process.

Needed are clear statements from the Principals — the prime minister, premier and First Nation Summit leaders — recommitting the parties to the BC Treaty Process, and committing them to renewing mandates, and removing obstacles in the way of completing treaties. This would send a strong signal to the various line ministries and First Nation communities that this is an important priority.

Negotiators must have clear instructions and sufficient authority to negotiate effectively. Most importantly, they must represent their government as a whole — a BC Claims Task Force recommendation — not just one ministry or department. Of concern is the uncertain role in treaty negotiations of Fisheries and Oceans Canada and Department of Justice Canada.

The recent passing of the Maa-Nulth First Nations Final Agreement in record time by the House of Commons and Senate is an example of the sort of commitment that is required to complete treaties.

#2. Re-examine mandates
The governments of Canada and BC must re-examine mandates for their negotiators on specific issues hindering treaty completion. The Common Table Report provides the opportunity. For example, the parties identified opportunities to address significant mandate issues including recognition, shared decision-making, revenue sharing, and transition and treaty implementation challenges.

Once the full extent of changes in mandates by the governments of Canada and BC have been understood and assessed, First Nations can then determine whether there is a likelihood of reaching an agreement that meets their needs or if they should seek other solutions.

In the Treaty Commission's view, the Common Table, involving a large number of First Nations, proved to be a worthwhile undertaking. The discussion on key issues of concern was initiated at a higher and broader level, a forum supported by the Treaty Commission and in which it had a prominent role.

Prior to the discussion at the Common Table, the governments of Canada and British Columbia had only indicated a limited willingness to explore and consider significant changes in mandates on key issues, either on a province-wide basis or at individual treaty tables.

This changed with the establishment of the Common Table. The report prepared by the Treaty Commission captures a range of opportunities for overcoming differences on key issues. The Treaty Commission interprets the commitment of the governments of Canada and British Columbia to explore and discuss these opportunities at individual treaty tables as an

RECOMMENDATION 9

Federal and provincial governments start negotiations as soon as First Nations are ready

RECOMMENDATION 10

Non-aboriginal interests be represented at the negotiating table by the federal and provincial governments

acknowledgement that existing mandates in some areas must be improved if the treaty process is to realize its full potential as a tool for reconciliation.

First Nations were not satisfied with the initial response from the governments of Canada and British Columbia. They expected, and have requested, a detailed response that would give First Nations the necessary information to determine their future prospects in treaty negotiations. Another significant impediment to completing treaties in BC is the absence of a mandate for federal negotiators to negotiate fisheries issues pending completion of the west coast fisheries review by Fisheries and Oceans Canada.

The Government of Canada must complete the long overdue west coast fisheries review. The immediate return of federal negotiators to the negotiating table with a fish mandate is urgently needed.

The Treaty Commission will monitor and assess the actions of the federal and provincial governments in regards to the opportunities that arose from the Common Table.

#3. Resolve territorial issues

Overlapping and shared territories issues are significant concerns for all parties given that so many First Nations are in the advanced stages of treaty negotiations.

Disputes over territory have the potential to delay or prevent the completion of treaties. At treaty tables where potential for litigation exists, the governments of Canada and BC may be less willing to conclude agreements. No one wants to see treaties entrench conflicts among First Nations because it means less certainty for all parties.

From the Treaty Commission's perspective it is more likely that agreements will be reached where there are no territory or boundary issues or where the issues have been resolved among the First Nations.

Most First Nations have been unable to resolve these issues thereby creating significant risk and uncertainty. It is a requirement of the BC treaty process that First Nations make best efforts to resolve territorial overlaps, with assistance from the Treaty Commission if required.

Where there are no significant overlapping claims and a strong First Nation presence, the BC government is exploring solutions on shared decision-making and revenue sharing. These discussions should be taking place at the treaty table and the Government of Canada should be an active participant.

Of interest to the Treaty Commission is a new type of agreement currently being proposed by the BC government as an interim solution to land and resource issues. Strategic engagement or reconciliation agreements have the potential to resolve a number of issues pending a comprehensive solution through a completed treaty. The Treaty Commission believes that where these agreements are proposed for a First Nation in the treaty process, the agreement should be related to the treaty and the Government of Canada must be at the table.

RECOMMENDATION **11**

The First Nation, Canada, and British Columbian negotiating teams be sufficiently funded to meet the requirements of the negotiations

RECOMMENDATION **15**

The parties select skilled negotiators and provide them with a clear mandate, and training as required

Call to Action

Proceeding with these three actions in an expeditious manner would unlock opportunities to complete treaties. What is required is leadership from the governments of Canada, BC and First Nations to see these recommendations through.

The Treaty Commission believes it is now time to:

COMPLETE FINAL AGREEMENTS. From the Treaty Commission's perspective, final agreements for In-SHUCK-ch Nation, Sliammon Indian Band, Yale First Nation, and Yekooche Nation are certainly within reach so that then there can be a vote by the First Nation's members.

CONCLUDE AGREEMENTS IN PRINCIPLE. Several agreements in principle are within reach if the governments of Canada and BC and the First Nations are committed to reaching agreement.

MAKE THE RESOLUTION OF TERRITORIAL ISSUES A PRIORITY. All parties must bring the necessary resources to bear on this complex issue. To assist and encourage First Nations to address territorial issues in a timely fashion, the Treaty Commission has funded and supported mediation efforts to resolve overlaps.

The Treaty Commission will provide facilitation within its limited resources and has submitted a proposal to the governments of Canada and British Columbia and the First Nations Summit that, if approved, would provide First Nations with additional resources and support to resolve territorial issues. The proposal recognizes that First Nations may require funding from the Treaty Commission to address these issues.

The goal is new agreements among First Nations that confirm shared territories or resolve territorial issues in disputed areas. The goal is to avoid barriers to agreement.

CONCLUDE MORE INCREMENTAL TREATY AGREEMENTS. Up until now these agreements have been between the BC government and First Nations to advance treaty-related benefits. The Government of Canada, which has been on the sidelines in these negotiations, has expressed an interest in participating in such agreements. This represents a significant opportunity. Two incremental treaty agreements have been reached and several more are under consideration. These agreements can provide significant benefits to First Nations, invigorate treaty negotiations and create incentives for tables to reach further milestones.

REVITALIZE THE TREATY PROCESS. The Principals have agreed to address treaty process issues through the recently established Treaty Negotiations Process Revitalization Table which will deal with issues other than the mandate issues addressed at the Common Table. For example, the table may consider such issues as the capacity to negotiate and implement treaties, financing treaty negotiations, the rising First Nation debt, streamlining negotiation processes, interim measures and incremental treaty agreements, the process for addressing overlapping claims and shared territories, and the role of the Treaty Commission.

RECOMMENDATION **16**

The parties negotiate interim measures agreements before or during the treaty negotiations when an interest is being affected which could undermine the process.

RECOMMENDATION **18**

The parties in each negotiation jointly undertake a public information program.

MAKE TREATY IMPLEMENTATION EASIER. That's the lesson that has been learned from First Nations that have achieved modern-day treaties in Canada. There is a willingness on the part of the governments of BC and Canada to address transition issues, including adequately funding the move from government under the *Indian Act* to constitutionally protected self government under the treaty. One major concern in treaty making would be resolved if implementation dollars were sufficient to fully establish self government.

A-in-chut new AFN national chief

Shawn Atleo, the newly elected leader of the Assembly of First Nations, is British Columbia's first national chief in more than three decades. While Atleo must represent all First Nations in Canada, he is fully aware of BC issues and has a good understanding of the BC treaty process.

At Atleo's initial meeting with First Ministers in Regina this summer, an Aboriginal Affairs Ministers' Working Group was announced to begin working immediately to develop issues and interests towards a proposed First Ministers Meeting in November 2010.

The 42-year-old hereditary chief from Ahousaht whose aboriginal name is A-in-chut represents a new generation of First Nation leaders. He is the current chancellor of Vancouver Island University, has a master's degree in adult learning and stressed education in his campaign for the leadership. He is also a businessman who understands the need for First Nation economic development.

Table Reports

There are 60 First Nations, including 111 of the 198 BC *Indian Act* bands, participating in the BC treaty process. Because some First Nations negotiate together, there are 48 sets of negotiations. There is 1 First Nation in Stage 6, 7 First Nations in Stage 5 and 43 First Nations in Stage 4.

1 FIRST NATION IN STAGE 6

Tsawwassen First Nation

7 FIRST NATIONS IN STAGE 5

In-SHUCK-ch Nation
Lheidli T'enneh Band
Maa-nulth First Nations*
Sechelt Indian Band
Sliammon Indian Band
Yekooche Nation
Yale First Nation

*Ratification completed in June 2009

43 FIRST NATIONS IN STAGE 4

Carcross / Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Da'naxda'xw Awaetlatla Nation
Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
Hupacasath First Nation
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
K'omoks First Nation
Ktunaxa/Kinbasket Treaty Council
Kwakiutl Nation
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Musqueam Nation
'Namgis Nation
Nazko Indian Band
Northern Shuswap Treaty Society
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:lo Xwexwilmexw Treaty Association
Taku River Tlingit First Nation
Te'Mexw Treaty Association
Teslin Tlingit Council
Tla-o-qui-aht First Nation
Tlatlasikwala Nation
Tlowitsis Nation
Tsay Keh Dene Band
Tsimshian First Nations
Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation

3 FIRST NATIONS IN STAGE 3

Cheslatta Carrier Nation
Council of the Haida Nation
Squamish Nation

6 FIRST NATIONS IN STAGE 2

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Hwlitsum First Nation
Liard First Nation
McLeod Lake Indian Band
Ross River Dena Council

TSAWWASSEN FIRST NATION

IN-SHUCK-CH NATION

LHEIDLI T'ENNEH BAND

MAA-NULTH FIRST NATIONS

FIRST NATIONS IN STAGE 6

Tsawwassen First Nation

The Tsawwassen First Nation Final Agreement became effective on April 3, 2009.

Tsawwassen's traditional territory covers approximately 279,000 hectares of land and includes the waters of the southern Strait of Georgia. Treaty Settlement Land comprises 724 hectares now with the opportunity to add settlement land later. A self-governing First Nation under the *Constitution Act*, Tsawwassen has approximately 400 citizens.

FIRST NATIONS IN STAGE 5

In-SHUCK-ch Nation

The parties are working toward a final agreement by the end of 2009. The remaining issues are financial and In-SHUCK-ch's interest in ensuring the treaty provides sufficient resources to improve its communities' capital infrastructure for its members. Critical to completion of the final agreement is an offer on fish, which Canada has been unable to provide due to an ongoing review of the west coast fisheries.

In-SHUCK-ch Nation traditionally occupied and used the land generally located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake and has 940 members.

Lheidli T'enneh Band

Over the past year Lheidli T'enneh has been working on re-organizing and updating their volunteer membership committee on the details of the Lheidli T'enneh treaty.

Once the committee is fully familiar with the details of the treaty they will seek input from the membership before making their recommendation to Lheidli T'enneh on whether the treaty is sufficient and whether there should be a second ratification vote on the treaty.

The Lheidli T'enneh traditionally used and occupied the land and water around Prince George, including the Nechako and Fraser River area to the Alberta border. The First Nation has approximately 325 members and 685 hectares of reserve land just outside of Prince George.

Maa-nulth First Nations

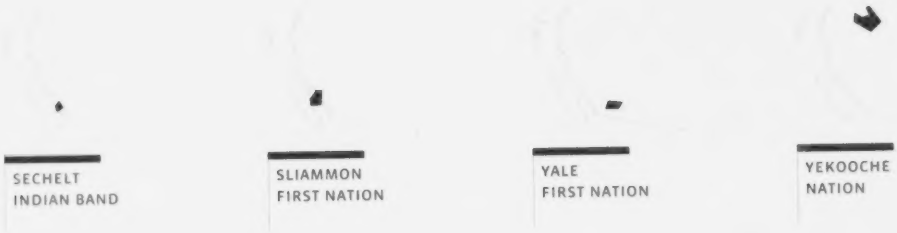
The Maa-nulth First Nations Final Agreement was passed in the House of Commons and the Senate and received royal assent in just four days in June. This follows ratification in the BC legislature in November 2007 and by the five First Nations in October 2007.

The focus now is on preparations for implementation of the treaty on the effective date, which has not yet been determined.

The agreement provides 24,550 hectares of land and a capital transfer of $75.1 million, comprehensive self government and access to resources and resource revenues.

The Maa-nulth First Nations comprise the Uchucklesaht, Huu-ay-aht, Toquaht, Kyuquot/Checklesaht and Uchucklesaht First Nations with a total population of approximately 2,125 people. The traditional territories of the Maa-nulth are concentrated in the Barkley Sound area and towards the northwest end of Vancouver Island.

+ 70% of the registered Tsawwassen First Nation members voted in favour of the treaty.



SECHELT INDIAN BAND

SLIAMMON FIRST NATION

YALE FIRST NATION

YEKOOCHE NATION

Sechelt Indian Band

No tripartite activity occurred at the Sechelt table in 2009. The last meeting between the parties was held in April 2007.

Sechelt has been self-governing since 1986 when it signed the first self government agreement in Canada, the Sechelt Indian Band Self Government Agreement. Sechelt, a First Nation with approximately 1,235 members, traditionally occupied and used the land and water around the Sechelt Peninsula.

Sliammon First Nation

The Sliammon table is moving toward a final agreement. The major obstacle has been the federal government's inability to bring a fish mandate to the table. The Treaty Commission has expressed its concern to the Government of Canada.

Sliammon First Nation has a population of approximately 965 and traditionally occupied and used the lands and waters in the vicinity of Powell River and Powell Lake and parts of the Gulf Islands, the Courtenay area and Desolation Sound.

Yale First Nation

Yale First Nation signed a bilateral understanding with the BC Government in November 2008 formally concluding negotiations between the two parties. However, new access issues have arisen as the governments of Canada and BC attempt to accommodate the interests of neighbouring First Nations people.

Yale has a population of more than 150 members and traditionally used and occupied the land around Yale, north of Hope.

Yekooche Nation

The Yekooche table expects to conclude a final agreement in early 2010. However, some issues remain to be dealt with including Yekooche's request for a commitment by Canada and BC to address social conditions in the community.

Yekooche is addressing overlapping and shared territory issues with its neighbours with the Treaty Commission's assistance. The overlap with Lake Babine Nation has been particularly difficult to resolve because of strained relations between the communities.

Yekooche First Nation has a population of approximately 220 and traditionally occupied and used lands and waters near Stuart Lake, Cunningham Lake and the southern portion of Lake Babine.

CARRIER SEKANI TRIBAL COUNCIL

DITIDAHT FIRST NATION AND PACHEEDAHT BAND

ESKETEMC FIRST NATION

GITANYOW HEREDITARY CHIEFS

FIRST NATIONS IN STAGE 4

Carrier Sekani Tribal Council

There have been no tripartite negotiations at the Carrier Sekani Tribal Council table for several years.

CSTC represents eight First Nations in the treaty process: Burns Lake Indian Band (Ts'il Kaz Koh First Nation), Nadleh Whut'en Band, Nak'asdli Indian Band, Saik'uz First Nation, Stellat'en First Nation, Takla Lake First Nation, Tl'azt'en Nation and Wet'suwet'en First Nation. The combined population of CSTC is approximately 6,000. CSTC's traditional territory is in excess of 90,000 square kilometres in north central BC.

Ditidaht First Nation and Pacheedaht Band

Ditidaht and Pacheedaht are examining a range of options to advance negotiations at their joint treaty table. High priorities are an incremental treaty agreement and practical initiatives that will bring economic and social benefits to the communities and their members.

The lawsuit commenced by Ditidaht against Canada, BC and Maa-nulth arising from the Maa-nulth Final Agreement is no longer an obstacle to treaty negotiations as the parties continue to work on an abeyance agreement.

Ditidaht has approximately 715 members, almost half of whom live on the Ditidaht reserve located near Nitinaht Lake. Pacheedaht has approximately 260 members and its offices are located at Port Renfrew. The combined traditional territories of Ditidaht and Pacheedaht span the southwest corner of Vancouver Island.

Esketemc First Nation

Tripartite negotiations continued throughout the year at a steady pace. The parties have substantially completed nine chapters and a further 11 are under negotiations. A public main table meeting is being planned to release several treaty chapters for consultation.

The population of Esketemc is approximately 790 members and their traditional territory is centred on their community at Alkali Lake, 50 kilometres to the southwest of Williams Lake.

Gitanyow Hereditary Chiefs

Tripartite negotiations at the Gitanyow table have been stalled since 2005 over major differences in mandates. An incremental treaty agreement was tabled by Gitanyow in March 2008 for consideration by the governments of Canada and BC.

The traditional territory of the Gitanyow spans the middle reaches the Nass River with a population of approximately 755 people.

+ Tsawwassen treaty provides $13.5 million for startup and transition costs.

+ For the next 50 years, Tsawwassen First Nation can add more treaty settlement lands from those areas identified in the treaty.

GITXSAN HEREDITARY CHIEFS

HAISLA NATION

HEILTSUK NATION

HOMALCO INDIAN BAND

Gitxsan Hereditary Chiefs

Tripartite activity at the Gitxsan table in 2009 was limited to the meetings facilitated by the Treaty Commission aimed at reviving treaty negotiations. These efforts are ongoing, but fundamental differences over governance, certainty and other issues continue to impede progress.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass Rivers. The First Nation includes all or part of the populations of Gitanmaax Band, Gitwangak Band, Kispiox Band, Gitsegukla Indian Band and Glen Vowell Indian Band and comprises approximately 6,075 members.

Haisla Nation

In 2008, Haisla members voted on an incremental treaty agreement with the BC government. The agreement was rejected by Haisla constituents in a vote in which only a small percentage of eligible voters participated. With the election of a new chief and council in 2009, there has been some discussion about a "second look" at the incremental treaty agreement and ways in which to revitalize the Haisla treaty table.

Haisla Nation has a population of approximately 1,630 and its traditional territory occupies an area on the central west coast of BC from Kitammat Arm, Devastation Channel, Kildadas Arm, the upper reaches of Douglas Channel, Gardner Channel, Verney Passage and the upper reaches of Princess Royal Channel.

Heiltsuk Nation

The Heiltsuk table remains inactive. There have been no treaty negotiations since 2001.

Heiltsuk is based on Campbell Island with traditional territory extending across the central coast and has approximately 2,235 members.

Homalco Indian Band

Homalco made progress this year in working towards an agreement in principle. A stronger commitment to collaborative problem solving and interest-based negotiations are cited as the main reasons for this progress.

Homalco was the main organizer of a project this year to address territorial issues among seven First Nations in the Campbell River area. Project goals include developing a process or processes to assist the First Nations in resolving differences on overlapping and shared territories. Some progress in achieving these goals has been reported.

Homalco has a population of approximately 460. The lands and waters traditionally occupied and used by the Homalco people extend from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River, and to Stuart Island and Bute Inlet and its watershed.

HUL'QUMI'NUM TREATY GROUP

HUPACASATH FIRST NATION

KASKA DENA COUNCIL

Hul'qumi'num Treaty Group

Progress at the Hul'qumi'num table during the past year has been minimal. Even though the parties did meet from time to time, discussions were clearly hampered by lack of progress on Common Table issues.

The table is conducting a series of 'engagement' meetings at which the governments of Canada and BC and Hul'qumi'num have the opportunity to present their positions and interests on several key issues to Hul'qumi'num members. These sessions include an opportunity for members to put questions directly to the negotiators for Canada, BC and Hul'qumi'num. At the invitation of the parties, the meetings have been chaired by Commissioner Lampert.

The Hul'qumi'num Treaty Group represents six communities including Chemainus, Cowichan Tribes, Halalt, Lake Cowichan, Lyackson and Penelakut with a combined population of approximately 6,750. The First Nations traditionally occupied and used lands and waters encompassing part of southern Vancouver Island, the waters of the Strait of Juan de Fuca and the Strait of Georgia, and on the mainland along a narrow corridor extending from the coast to Yale in the east.

Hupacasath First Nation

Hupacasath First Nation has decided to take a time out from tripartite treaty negotiations.

Prior to halting treaty negotiations, Hupacasath had been actively engaged and made substantial progress on most treaty chapters. Negotiations on fiscal issues and resource revenue sharing were underway and the parties were anticipating a preliminary land and cash offer would be tabled by the governments of Canada and BC this fall. Having received a mandate from community members to engage in discussions on overlapping and shared territory issues with neighbouring First Nations, Hupacasath signed a shared territory agreement with K'omoks First Nation earlier this year.

Hupacasath First Nation is located in the Port Alberni area of Vancouver Island and has approximately 265 members.

Kaska Dena Council

After several years of suspended negotiations, Kaska and the governments of Canada and BC agreed to resume treaty negotiations and stage 4 negotiations have gained momentum.

Kaska continues to build relationships outside of treaty negotiations with neighbouring First Nations, industry, environmental non-government organizations and with the Yukon and BC governments. A strategic engagement table has been established, working in parallel with treaty negotiations, to explore shared decision making and revenue sharing. The table is exploring ways to capture all these efforts and the benefits in the treaty. The Kaska table is also discussing important social issues that affect the communities and the negotiators are working on finding solutions to these issues.

Kaska Dena Council is closely linked with its neighbouring Kaska Nation communities, Liard First Nation and Ross River Dena Council — with a combined membership of approximately 3,000. The First Nation's traditional territory ranges from north central BC to the Yukon and Northwest Territories.

+ On average, Tsawwassen First Nation's annual sockeye salmon allocation for food, social and ceremonial uses is 12,000 Fraser River sockeye.

KATZIE
INDIAN BAND

KLAHOOSE
FIRST NATION

K'OMOKS
FIRST NATION

Katzie Indian Band

Negotiations toward an agreement in principle at the Katzie table are continuing in the area of governance, specifically building on the work of their governance treaty-related measure. They are developing terms of reference and a panel process for constitutional development. Consultations with community members on issues of eligibility and enrolment and other treaty issues are ongoing at evening meetings, family meetings and through newsletters.

Katzie are working on shared territory issues, having had meetings with the Tsawwassen First Nation and tabling a draft protocol and memorandum of understanding with Kwantlen First Nation on forestry resources.

Katzie members number approximately 495 and traditionally used and occupied the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.

Klahoose First Nation

In early 2009, Klahoose First Nation and the BC government signed an incremental treaty agreement. In addition to providing land and cash to Klahoose, the ITA committed the parties to re-engagement in active treaty negotiations. Preliminary discussions are underway and the Treaty Commission expects the governments of Canada, British Columbia and Klahoose will be back at the treaty table sometime this fall.

While no tripartite negotiations have occurred over the past year, Klahoose have been engaging with their community members on a regular basis discussing overlapping territory issues, governance, land use processes and community planning. They plan to continue quarterly community meetings as they develop their strategic approach and key priorities for tripartite negotiations.

Klahoose First Nation has approximately 325 members. Their traditional territory is on the mainland opposite Campbell River.

K'omoks First Nation

The K'omoks table has continued to make progress in negotiations through 2009. The table has substantially completed chapter work for the agreement in principle. A land and cash offer was made by the governments of Canada and BC early in 2009 and K'omoks has tabled a formal response. The governments continue their consultation work with local and regional governments and third party interests.

Progress for the parties has not been without challenges. Negotiation of the fisheries chapter is on hold at K'omoks, as it is at many treaty tables, pending an internal review by Fisheries and Oceans Canada. Another key issue for K'omoks is access to Goose Spit where they currently have a parcel of land cut off by the Department of National Defence.

K'omoks continues to work with their First Nation neighbours on overlapping territories and have signed a protocol agreement with Hupacasath First Nation.

K'omoks has almost 300 members and their traditional territory covers the central east part of Vancouver Island and extends to the Johnstone Straight.

KTUNAXA / KINBASKET TREATY COUNCIL

LAICH-KWIL-TACH COUNCIL OF CHIEFS (HAMATLA TREATY SOCIETY)

LAKE BABINE NATION

Ktunaxa / Kinbasket Treaty Council

A land and cash offer was made by the governments of Canada and BC this year. KKTC has not yet responded to the offer.

Shuswap Indian Band has made the decision to withdraw from KKTC and the treaty process, a decision that has been accepted by the Treaty Commission.

Ktunaxa/Kinbasket Treaty Council includes Lower Kootenay Indian Band, Columbia Lake First Nation, St. Mary's Indian Band and Tobacco Plains Band. They have a combined population of approximately 1,000 members and their traditional territory lies between the Rocky Mountain Trench and Upper Arrow Lakes together with adjacent watersheds.

Laich-Kwil-Tach Council of Chiefs (Hamatla Treaty Society)

Tripartite negotiations with the Laich-Kwil-Tach Council of Chiefs have been sporadic over the past year. A number of agreement-in-principle chapters are under discussion but progress is slow.

The negotiators for the Hamatla Treaty Society have invested time in the work of the Common Table. Some preliminary discussions with neighbouring First Nations on overlapping and shared territory issues have occurred but further work will be necessary before protocol agreements can be concluded.

The Treaty Commission has offered to support a mediation effort among Laich-Kwil-Tach First Nations to address territorial issues.

The Hamatla Treaty Society is comprised of three Nations including Kwiakah, Wei Wai Kai, and Wei Wai Kum.

Traditionally these First Nations occupied and used the lands and water around Campbell River, Courtenay and Comox, including parts of Knight, Call, Loughborough, Bear and Toba inlets. Today their collective population is approximately 1,615 members.

Lake Babine Nation

The Lake Babine table continues to make progress. An incremental treaty agreement is currently being negotiated for key parcels of land.

The priority for Lake Babine in achieving a modern treaty is to ensure the 'Barricade Treaty' of 1906–07 is recognized. Under the Barricade Treaty, Lake Babine and other First Nations had agreed to stop using weirs to catch salmon in the Stuart Lake system.

Lake Babine Nation represents Woyenne, Old Fort, Tachet, Donald's Landing and Fort Babine. The combined population is approximately 2,265. The traditional territory covers from Burns Lake in the south to the Babine and Nilkitaw rivers to the north including most of Lake Babine.

+ The commercial salmon allocation for Tsawwassen First Nation is 31,200 Fraser River sockeye.

+ The Maa-nulth treaty provides 22,375 hectares of land including subsurface resources, in addition to existing reserves of 2,084 hectares.

MUSQUEAM NATION

'NAMGIS NATION

NAZKO INDIAN BAND

Musqueam Nation

There were no agreement-in-principle negotiations in 2009. Musqueam Nation continues to pursue other avenues outside the treaty process to protect its rights and interests, such as the reconciliation, settlement and benefits agreement with the BC government in March 2008. The agreement gives the Musqueam $20.3 million in cash, title to the seven hectares of land on which the River Rock Casino in Richmond was built, the 59-hectare University Golf Club lands and more than 20 hectares of land in Pacific Spirit Park, bordering the University of British Columbia.

The First Nation has approximately 1,220 members with a traditional territory spanning the Greater Vancouver area.

'Namgis Nation

The 'Namgis Nation table continues to make good progress on the agreement in principle. An initial offer was tabled by the governments of Canada and BC in January 2009. Following their preliminary response, 'Namgis is assessing the implications of treaty settlement, particularly with respect to economic opportunities and impacts. Work on issues including proposed land settlement, fiscal and tax arrangements, collaborative management approaches and reasonable opportunity are ongoing. 'Namgis has targeted December 2009 for conclusion of the agreement in principle but recognizes making progress on a number of key issues, including re-engagement by Canada in fisheries negotiations, will be crucial to meeting this timeline.

'Namgis has spent considerable time preparing for and participating in discussions with First Nation neighbours on shared and overlapping territory issues. Progress has been slow and efforts continue. 'Namgis is also directing increasing resources and attention to communication efforts in their community. Community meetings, feasts, regular newsletters and bulletins and the development of a community constitutional development committee will build on work already being done. They are also using internet-based initiatives including YouTube videos, a Facebook page, and updated website to provide information on treaty aspirations and progress.

The 'Namgis traditional territory is at the north end of Vancouver Island and extends from the Nimpkish watershed to the east and west. More than half of their approximately 1620 members live at Alert Bay on Cormorant Island.

Nazko Indian Band

Nazko has made considerable progress towards an agreement in principle and is optimistic an agreement in principle can be reached by spring 2010 even though some differences still exist.

Nazko tabled a proposal this year for an incremental treaty agreement, which is under review by Canada and BC. The agreement would provide immediate benefits to Nazko, if approved.

Nazko First Nation has a population of approximately 340 and its traditional territory extends from southwest of Quesnel to Prince George in the north.

NORTHERN SHUSWAP TREATY SOCIETY

NUU-CHAH-NULTH TRIBAL COUNCIL

OWEEKENO (WUIKINUXV) NATION

Northern Shuswap Treaty Society

In April 2009, a land and cash offer was made by the governments of Canada and BC. The offer was rejected and in June 2009 NStQ tabled a counter offer. A response to the counter offer is expected soon.

Since entering the treaty process in 1993, NStQ has maintained a strong commitment to education and information sharing with community members about treaty negotiations. In 2009, a well attended workshop on governance was held at Williams Lake Band. The workshop resulted in a renewed commitment by NStQ citizens to an NStQ shared decision-making model for inclusion in the final agreement.

NStQ has launched its new Human Resource Database that will contain an inventory of skills, formal education and training, and traditional knowledge of NStQ members on which the communities can draw before and after treaty to strengthen governance and managerial capacity.

NStQ represents more than 2,195 people of Northern Secwepemc te Qelmucw (NStQ) ancestry from four member communities: Williams Lake Band (T'exelc), Soda Creek Band (Xat'sull/Cmetem), Canoe/Dog Creek Band (Stswecem'c/Xgat'tem) and Canim Lake Band (Tsq'escen').

Nuu-chah-nulth Tribal Council

There have been no tripartite negotiations at the Nuu-chah-nulth treaty table since 2005.

Although not active in negotiations, the Nuu-chah-nulth continue to meet regularly to discuss treaty issues and complete position papers arising from their agreement-in-principle review. NTC continues to analyze developments in and related to the treaty process, specifically the Maa-Nulth First Nations Final Agreement, the Tla-o-qui-aht Incremental Treaty Agreement and the Common Table initiative. Some work has been done internally regarding territorial overlaps and constitution drafting among the First Nations at NTC treaty table. Public education and community consultation initiatives continue, with meetings in the NTC communities and in urban centres including Campbell River, Nanaimo, Port Alberni, Seattle, Vancouver and Victoria.

The Nuu-chah-nulth treaty table comprises Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht and Tseshaht First Nations, with a combined population of approximately 4,650. Their traditional territories span the west coast of Vancouver Island from Barkley Sound to Kyuquot Sound.

Oweekeno (Wuikinuxv) Nation

Wuikinuxv is continuing to work on the agreement in principle. Settlement lands are being considered and negotiations are continuing on shared decision-making and revenue sharing. Wuikinuxv wants to preserve its existing agreement regarding co-management of the conservancies created by the BC government's coast planning process.

Wuikinuxv continues regular communication activities with members and recently held their annual general assembly in Port Hardy which was well attended by both on and off-reserve members. A new communications plan has been developed and is currently being implemented.

Wuikinuxv has approximately 280 members, a third of whom live on reserve at River's Inlet.

+ The Maa-nulth treaty provides $47.3 million to fund transition and implementation.

SNUNEYMUXW FIRST NATION

STÓ:LO XWEXWILMEXW TREATY ASSOCIATION (SXTA)

TAKU RIVER TLINGIT

Snuneymuxw First Nation

There have been no tripartite negotiations in the past year and no date is scheduled for the resumption of treaty negotiations. However, Snuneymuxw recently expressed interest in resuming tripartite negotiations.

Snuneymuxw continues to focus on internal communications and identifying community priorities. Some work has been done polling members on issues including health, employment, literacy and technology use and a comprehensive community plan has been completed, including the identification of steps for implementation.

Snuneymuxw has put considerable effort over the past year into developing working relationships with the City of Nanaimo, the Port Authority, the Regional District of Nanaimo and the Islands Trust. Protocol agreements have been concluded with Islands Trust and the Nanaimo Regional District.

Snuneymuxw's traditional territory ranges from central Vancouver Island, including Gabriola Island, Mudge Island and other adjacent islands to the Nanaimo River watershed. The First Nation has approximately 1,565 members.

Stó:lo Xwexwilmexw Treaty Association (SXTA)

Stó:lo Nation restructuring was completed this year when the Treaty Commission accepted an amendment to its Statement of Intent reflecting a name and organizational change to Stó:lo Xwexwilmexw Treaty Association (SXTA). Currently seven Stó:lo communities are working together as the SXTA and are actively engaged in Stage 4 negotiations. However, negotiations have slowed over the lack of progress in the governments' responses to Common Table issues. SXTA has also been focused on fish and access to fishing sites on the Fraser River.

The SXTA community outreach program continues to share treaty-related information and gain community feedback on treaty-related issues. The SXTA is also engaged in consultations about the Yale treaty.

The seven Stó:lo communities currently in treaty negotiations are: Aitchelitz, Leq'a:mel, Popkum, Skawahlook, Skowkale, Tzeachten and Yakweakwioose with approximately 1,700 members. The SXTA Statement of Intent includes the lower mainland of south western BC with a core interest area associated with the central and upper Fraser Valley, Chilliwack River Valley, lower Harrison Lake, and lower Fraser Canyon.

Taku River Tlingit

In 2008, the Treaty Commission and Taku River Tlingit discussed establishing a table separate from the Northern Regional Table. Then, in 2009 an agreement to negotiate was reached among the Taku River Tlingit and the governments of Canada and BC and negotiations are underway.

Taku River has a population of more than 600 and its traditional territory is situated in northwest British Columbia around Atlin and in southwestern Yukon.

TE'MEXW TREATY ASSOCIATION

TLA-O-QUI-AHT FIRST NATION

Te'Mexw Treaty Association

The Te'Mexw Treaty Association received a land and cash offer from the governments of Canada and BC in late 2008. After some months of analysis, TTA responded with a counter proposal in March 2009. Negotiations continue and progress on most chapters has been significant but a few key obstacles remain.

The lack of surplus Crown land in the south Vancouver Island area is a serious obstacle, especially for the Songhees and Beecher Bay First Nations. Recognition of the unique privileges afforded to signatories of Douglas treaties is also a key issue for TTA in moving forward with a modern-day treaty. Canada's inability to engage in negotiations on fisheries is a problem, as it is at many other tables around the province.

Te'Mexw is targeting April 2010 for completion of the agreement in principle and continues to work with the other Common Table First Nations to press Canada and British Columbia to bring to each treaty table more flexible mandates. TTA is actively engaged with their community through monthly meetings with chiefs and councils and community members to provide updates and answer questions on treaty issues and progress.

The Te'Mexw Treaty Association comprises five communities — Beecher Bay, Malahat, Nanoose, Songhees and Sooke — with a combined membership of approximately 1,165. These First Nations traditionally occupied and used the land and water around the southern end of Vancouver Island.

Tla-o-qui-aht First Nation

Tla-o-qui-aht First Nation has made substantial progress toward an agreement in principle since submitting a Statement of Intent to negotiate in July 2008. Chapters including governance, parks, and fiscal issues have been addressed by side table working groups and recommendations coming forward to the main table have been successful although difficult issues remain. Canada's inability to negotiate fish remains an issue.

Following their signing of the first incremental treaty agreement with the BC government last fall, Tla-o-qui-aht has experienced some delay in the implementation of the first phase of the agreement. The parties anticipate the difficulties encountered in phase one will be smoothed out for subsequent deliverables.

Looking toward the completion of the agreement in principle and beyond to the ratification of the final agreement, Tla-o-qui-aht has recruited and trained a team of communications workers who have developed publications and facilitated treaty update meetings for community members both on reserve and in Vancouver, Victoria, Nanaimo and other centres. They have also provided information for schools in Tofino and Ucluelet and continue to visit community members in their homes to discuss treaty issues.

The traditional territory of Haahuulthii of the Tla-o-qui-aht First Nation extends west from the Tofino area to Kennedy Lake in the south, Adder Mountain in the east and the area around Rhine Peak in the north. Tla-o-qui-aht First Nation represents approximately 955 people residing within and away from the traditional territory.

+ For the next 25 years, Maa-nulth First Nations will receive a portion of the revenues BC collects for resources extracted from their traditional territories.

+ The Maa-nulth Harvest Agreement, outside the treaty, provides $4.35 million to buy commercial fishing licences.

TLOWITSIS FIRST NATION

TSAY KEH DENE BAND

TSIMSHIAN FIRST NATIONS

Tlowitsis First Nation

In late 2008, Tlowitsis announced that land selection was the immediate priority including land for a "habitable community". Tlowitsis has reserves, but none are inhabited or likely to be inhabited because of their remoteness. The First Nation also announced it has a strong interest in negotiating an incremental treaty agreement to realize its goal of a habitable community.

Tlowitsis continues with community work through a citizens' advisory group, regional sessions, and chief and council meetings to develop mandates and keep members informed. Work is continuing on territorial issues with six other Kwakwaka'wakw Nations. The goal is to achieve an agreement in principle by the summer of 2010.

Tlowitsis First Nation has a population of nearly 400 and its traditional territory spans part of northeast Vancouver Island and an area on the mainland northwest of Campbell River.

Tsay Keh Dene Band

The First Nation is focused on negotiating an agreement in principle with ratification by TKD members of the settlement agreement reached with BC Hydro now behind them. Some progress has been made and an ambitious work plan was adopted for 2009–2010.

Tsay Keh Dene has a population of approximately 400 and its traditional territory encompasses an area bounded by Mount Trace in the north, by South Pass Peak in the west, by the Nation River in the south and by Mount Laurier in the east.

Tsimshian First Nations

Two of the five Tsimshian First Nation communities have taken a separate and expedited approach to negotiations. Kitselas and Kitsumkalum are making substantial progress towards an agreement in principle, which they hope to complete by the end of 2009. The biggest hurdle to progress is the lack of a federal fisheries mandate.

There has been some discussion among the Tsimshian communities over the proposed Prince Rupert port expansion. Other major projects in the Northwest have brought the Tsimshian together for discussions and attention to economic development and internal boundary relationships.

The First Nation's territory spans the northwest coast, including Prince Rupert and Terrace. The First Nation comprises five communities: Gitga'at, Kitasoo/Xaixais, Kitselas, Kitsumkalum and Metlakatla First Nations, with a combined population of approximately 3,150.

TSLEIL-WAUTUTH NATION

WESTBANK FIRST NATION

WET'SUWET'EN NATION

WINALAGALIS TREATY GROUP

Tsleil-Waututh Nation

The Tsleil-Waututh table has successfully concluded negotiations on a number of the process chapters and the culture chapter. Revenue sharing discussions between Tsleil-Waututh and the province are ongoing as are discussions around funding for economic development. A timeline for concluding the agreement in principle is yet to be determined.

Tsleil-Waututh has concluded some important governance work over the past year; a protocol with local government has been signed and work to re-visit their constitution is underway. Tsleil-Waututh is making progress on resolving overlapping/shared territory issues. A protocol with Squamish Nation has been signed and a protocol with the Tsawwassen First Nation is close to completion. Preliminary discussions are underway with Musqueam Nation and In-SHUCK-ch Nation.

Tsleil-Waututh Nation has approximately 445 members and their people have traditionally lived on the land and waters around North Vancouver and the Lower Mainland.

Westbank First Nation

Agreement-in-principle negotiations slowed substantially as Westbank waits for a substantive response to the Common Table. The Westbank negotiators and leadership dedicated considerable effort to the formation of the Common Table and led the discussions on fiscal matters and constitutional status of lands. The governments' response to the Common Table will be an important factor in the direction of the negotiations. Westbank is not satisfied with the response so far.

Located in the Kelowna area, Westbank has approximately 685 members.

Wet'suwet'en Nation

The parties made the decision in May to take a break from tripartite negotiations so that Wet'suwet'en could undertake internal reviews and conduct community consultations on elements of the treaty to determine next steps.

Wet'suwet'en traditionally occupied and used the Bulkley River drainage area in northwest BC. The First Nation includes members of Hagwilget Village and Moricetown and has a total population of approximately 2,700.

Winalagalis Treaty Group

Some of the members of the Winalagalis Treaty Group continue to make slow progress in agreement-in-principle negotiations.

Da'naxda'xw-Awaetlatla, Gwa'sala-Nakwaxda'xw and Quatsino all have discussions underway in identifying lands for treaty settlement at negotiation tables of their own. Fisheries negotiations, which have been a priority for the WTG Nations are still stalled pending the completion of a review of west coast fisheries by Fisheries and Oceans Canada.

Following on their success hosting a community-to-community forum in September 2008 in collaboration with the Regional District of Mount Waddington, a second forum was successfully concluded in February 2009. WTG and RDMW are now planning for the development and implementation of regional protocols highlighting ways they can better communicate and cooperate in regional planning initiatives.

+ Maa-nulth First Nations will own subsurface resources beneath treaty settlement land.

CHESLATTA CARRIER NATION

COUNCIL OF THE HAIDA NATION

SQUAMISH NATION

ACHO DENE KOE FIRST NATION

The WTG First Nations have had preliminary discussions on issues related to shared territories with some of the other Kwakwaka'wakw Nations and this work will continue.

The Winalagalis Treaty Group includes the Da'naxda'xw Awaetlatla Nation, the Gwa'sala-Nakwaxda'xw Nation, the Quatsino First Nation and the Tlatlasikwala Nation. They have been negotiating four separate treaties at a common table since 1997. The First Nations traditionally occupied the land and water around the north end of Vancouver Island and have approximately 1,500 members.

FIRST NATIONS IN STAGE 3

Cheslatta Carrier Nation

The Cheslatta Carrier treaty table remains inactive. There have been no treaty negotiations since 1997.

The population of Cheslatta is approximately 320 members and their traditional territory encompasses the area around Ootsa and Eutsuk lakes in central British Columbia.

Council of the Haida Nation

Negotiators have completed a Framework Agreement and are waiting for final approvals. In the meantime the Council of the Haida Nation and BC government have engaged in substantive negotiations on land protection, forestry and revenue sharing, and the Haida role in land use planning and decision-making over Haida Gwaii (Queen Charlotte Islands).

Central to the success of these negotiations will be how the parties can give effect to Haida's vision of the co-existence of Crown and Haida title on Haida Gwaii. Canada is currently observing these discussions. The Council of the Haida Nation continues to pursue its aboriginal title case over the whole of Haida Gwaii (Queen Charlotte Islands).

Located on Haida Gwaii, the council has 4,150 members.

Squamish Nation

There have been no treaty negotiations for several years.

The traditional territory of the Squamish ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed. The First Nation has approximately 3,675 members.

FIRST NATIONS IN STAGE 2

Acho Dene Koe First Nation

Acho Dene Koe entered the BC treaty process in 2000. Since that time, BC has not been willing to negotiate with Acho Dene Koe. The Ministry of Aboriginal Relations and Reconciliation reports "British Columbia is assessing its position regarding transboundary negotiations with the Acho Dene Koe." This assessment has been ongoing for many years.

The Treaty Commission is concerned over the position of BC on negotiating with ADK and the growing frustration within the ADK community.

ALLIED TRIBES OF
LAX KW'ALAAMS

HWLITSUM
FIRST NATION

MCLEOD LAKE
INDIAN BAND

To consolidate its views and bring BC into the negotiations, the Treaty Commission recently visited ADK's traditional territory in northern BC. This visit included discussions with ADK leaders and community members, visits to areas of cultural and economic significance to ADK including the historic ADK village of Francois on the Liard River in BC, and a special invitation to witness a drum ceremony at Francois to commemorate ancestors and celebrate the attachment of ADK to the land.

The First Nation has approximately 650 members and its traditional territory spans a vast area within BC, the NWT and Yukon. The main modern-day settlement is Fort Liard, a hamlet 25 kilometres north of the BC/Northwest Territories border. The small BC settlement is Francois.

Allied Tribes of Lax Kw'alaams

There has been no tripartite activity at this table since mid-2005 when the Treaty Commission accepted the Statement of Intent of the Allied Tribes of Lax Kw'alaams.

Although the First Nation and BC government have completed their Stage 2 readiness requirements, Canada is still reviewing the impact of fisheries litigation brought by Lax Kw'alaams on potential treaty negotiations. The Allied Tribes and other Tsimshian communities have been meeting to discuss how they can cooperate and support each other in the region.

The Allied Tribes of Lax Kw'alaams were formally part of the Tsimshian Tribal Council and separated in the spring of 2004. Located northwest of Prince Rupert, the Allied Tribes have a population of approximately 3,220.

Hwlitsum First Nation

The Statement of Intent to negotiate a treaty submitted by Hwlitsum First Nation was accepted by the Treaty Commission in May 2008. The governments of Canada and BC have yet to make a commitment to negotiate with Hwlitsum. The Treaty Commission is continuing discussions with the parties.

Comprising more than 300 members, the traditional territory of the Hwlitsum First Nation encompasses a large portion of the Lower Mainland, Gulf Islands and a portion of Vancouver Island.

McLeod Lake Indian Band

There have been no treaty negotiations since the Treaty Commission accepted their statement of intent to negotiate in 2004.

The McLeod Lake Indian Band has approximately 500 members and its main community lies 150 km north of Prince George.

+ Tsawwassen and Maa-nulth members can trade in fish, aquatic plants, wildlife and migratory birds among themselves and with other Canadian aboriginal people resident in BC.

+ The rights and interests of non-members affected by the Tsawwassen and Maa-nulth treaties are recognized and protected.

About the Treaty Commission

The Treaty Commission is the independent body responsible for facilitating treaty negotiations among the governments of Canada and British Columbia and First Nations in BC. The Treaty Commission does not negotiate treaties — that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission was mandated to facilitate negotiations towards fair and durable treaties under the six-stage treaty process. The process is voluntary and open to all First Nations in BC.

As the independent keeper of the BC treaty process, the Treaty Commission has three complementary roles: facilitation, funding, and public information and education.

Effective April 1, 2006 the federal and provincial governments entered into a three-year agreement ending March 31, 2009 to fund the operating costs of the Treaty Commission at $2.52 million per year. Total funding for operations from 1993 to March 31, 2009 is approximately $34 million.

Funding for administering the treaty process and for settlement costs is borne jointly by the federal and provincial governments. The government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC government contributes 40 per cent.

The Treaty Commission comprises a full-time chief commissioner, four part-time commissioners and 11 staff.

Report on Facilitation

The Treaty Commission's primary role is to oversee the negotiation process and to make sure the parties are being effective and making progress in the negotiations.

In carrying out this role, the Treaty Commission:

- Accepts First Nations into the treaty process and assesses when the parties are ready to start negotiations;
- Monitors compliance with the fundamental principles of treaty making as set out in the Treaty Commission's Mission Statement;
- Monitors and reports on the progress of negotiations and encourages timely negotiations;
- Chairs key meetings at tables and offers advice to the parties, where requested;
- Assists the parties in developing solutions and in resolving disputes;
- Identifies and engages with the Principals on opportunities and key overarching obstacles to progress (for example, on mandates, resources, capacity);
- Supports pilot projects with the potential to promote progress in negotiations; and
- Develops and applies policies and procedures for the six-stage treaty process.

The Treaty Commission devotes much of its time and resources to facilitation. Commissioners and staff are involved in a variety of facilitation initiatives, often on a sustained basis.

+ First Nations Summit delegates elect two commissioners to two-year terms

+ The Government of Canada appoints one commissioner to a two-year term

This demand has arisen from a number of circumstances:

- Intensified treaty negotiations at Stage 5 and some Stage 4 tables;
- Stalled treaty negotiations;
- Intensified inter-First Nation dialogue on overlapping and shared territories, particularly where treaty negotiations are approaching final agreement;
- Intensified internal First Nations dialogue, especially in multi-community First Nations on issues of governance and capacity; and
- Consultations between the Crown and First Nations affected by overlaps.

We anticipate the Treaty Commission's attention and energies will be increasingly focused on:

- Overlapping and shared territory issues. The Treaty Commission recently launched an initiative to assist First Nations with these issues and a directive on amendments to statements of intent that addresses overlap issues; and
- Principal-level discussions on Common Table issues and through the recently created Treaty Negotiation Process Revitalization Table.

Report on Funding

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out treaty negotiations on a more even footing with the governments of Canada and BC. In general, for every $100 of negotiation support funding allocated, $80 is a loan from Canada, $12 is a contribution from Canada and $8 is a contribution from BC.

Since April 2004, First Nations have been able to accept just the non-repayable contribution or take any portion of their loan allocation. In every year since this change, several First Nations have chosen to accept fewer loan dollars than would have been required previously.

Contribution funding continues to be available to a First Nation until the effective date of a treaty. However, loan advances must stop not less than thirty days prior to all three parties signing the final agreement.

Treaty loans will begin coming due in August, 2011 unless further extensions to the loan due dates are provided. This issue must be addressed during the next revision of the funding agreements.

Since opening its doors in May 1993, the Treaty Commission has allocated $466.6 million in negotiation support funding to more than 50 First Nations, representing approximately two-thirds of the First Nations in the province — $371 million in loans and $95.6 million in non-repayable contributions.

Report on Public Information and Education

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to provide public information. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations — Canada, BC and First Nations — provide specific information on their treaty negotiations.

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997. To reach audiences throughout BC, the Treaty Commission provides a variety of communications tools, including a website, annual report, newsletters, special publications, DVDs and teaching materials for elementary and secondary schools.

About the Treaty Commission

Commissioners and treaty advisors regularly deliver presentations at special events and community forums and to business organizations, schools and post-secondary institutions.

In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting public information efforts by individual treaty tables. To assist with these regular efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

As part of its commitment to provide educational resources, the Treaty Commission supported two projects which provide online resources.

Online lesson plans focus on Nisga'a story

The documentary film *Nisga'a Dancing in Both Worlds*, which tells of the historic journey of the Nisga'a people to achieve a modern-day treaty, was approved last year by the BC ministry of education for use in secondary schools. The Treaty Commission helped fund and develop the film.

Through a joint venture with Surrey School District #36 Aboriginal Education Department, the Treaty Commission has created an online educational resource to support use of the film in BC Social Studies 11 classrooms. The resource will be accessible on the Internet and includes lesson plans, supporting lesson materials, video clips, images and a glossary of terms used in the film.

The resource will be directed at BC teachers for use in the 2009/2010 school year, and will be accessible to anyone seeking information on First Nations and treaties.

- The Government of British Columbia appoints one commissioner to a two-year term
- The First Nations Summit and the governments of Canada and BC, by agreement, appoint the chief commissioner to a three-year term

Colonial Despatches chronicle BC 1846–1871

The correspondence that passed between the Colonial Office in London and the governors of Vancouver Island and British Columbia from 1846 to 1871 will be available online through the British Columbia Colonial Despatches Project.

The records include correspondence, clippings, legislation, maps and reports, and document the relationship between BC's First Nations and European settlers. It includes maps of First Nations' traditional territories and instructions on matters relating to treaties.

The project is an initiative of the History Department and Humanities Faculty at the University of Victoria. Microfilm copies of the original records — housed in British and Canadian archives — are slowly deteriorating, so a team of computer experts and historians began converting the files into a digital format.

The Treaty Commission is supporting the British Columbia Colonial Despatches Project as a valuable educational initiative in keeping with its public education mandate. Colonial Despatches will be a valuable online resource for teachers and students and when coupled with lesson plans is an important education initiative. Through this partnership project, Colonial Despatches could be easily incorporated into Social Studies, Law and First Nations Studies classes in secondary schools.

Minerva Foundation to screen *Our Sacred Strength: Talking Circles among Aboriginal Women*

The Treaty Commission-produced DVD *Our Sacred Strength: Talking Circles among Aboriginal Women* captures the voices of aboriginal women across British Columbia. The DVD and accompanying Facilitation Guide are available to BC aboriginal women to help them conduct their own talking circles.

To expand the reach of this important initiative, the Treaty Commission is partnering with the Minerva Foundation on a new program, *Combining Our Strength*, intended to build capacity and empowerment within the aboriginal women's community in BC. As part of the program, *Our Sacred Strength* will be used to enhance leadership development for aboriginal girls and women across BC and raise awareness of the challenges they face.

The Minerva Foundation aims to inspire and empower women and girls to reach their full potential by creating opportunities and offering programs in the areas of education, leadership development, economic security and safety.

The Treaty Commissioners

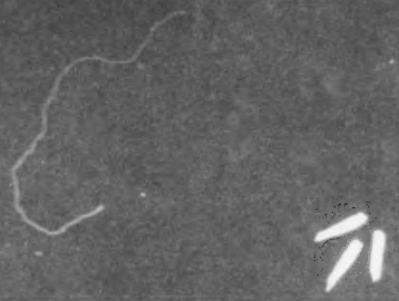
Sophie Pierre was appointed chief commissioner in April 2009 by agreement of the governments of Canada and British Columbia and the First Nations Summit. Pierre led the St. Mary's Indian Band for 30 years as elected chief and was the administrator of the Ktunaxa/Kinbasket Tribal Council for 25 years. She also served as the tribal chair of the Ktunaxa Nation Council, chairperson of the First Nations Finance Authority, president of St. Eugene Mission Holdings Ltd. and co-chair of the International Advisory Committee to the Indigenous Nations Institute for Leadership, Management, and Policy for the University of Arizona. Pierre was involved in the work of the British Columbia Claims Task Force and served as a co-chair of the First Nations Summit. She has also served on several boards and committees. Pierre was recognized with the Order of British Columbia in 2002 and the National Aboriginal Achievement Award in the business category in 2003.

Jody Wilson Raybould was re-elected commissioner in March 2009 to a fourth, two-year term by the First Nations Summit. Raised in the Comox Valley, Wilson is a member of the We Wai Kai First Nation. Wilson Raybould had been a treaty process advisor at the BC Treaty Commission prior to her election in 2003. Previously, she served as a provincial Crown prosecutor for two years. She holds a Bachelor of Laws from the University of British Columbia (1999) and a Bachelor of Arts in Political Science and History from the University of Victoria (1996). Wilson Raybould has been an active member of the BC Bar since 2000.

Robert Phillips is serving his second term as commissioner following his re-election at the First Nations Summit in March 2009. He is a member of the Northern Secwepemc te Qelmukw (Shuswap) of the Canim Lake First Nation. Phillips holds a Bachelor of Arts degree from the University College of the Fraser Valley. He served as chief negotiator and, prior to that, as self-government director at the Northern Shuswap Tribal Council since 1998. Phillips has a background in aboriginal justice and economic development.

Jerry Lampert was appointed in December 2007 to a two-year term by the Government of Canada. Lampert served for 15 years as president and chief executive officer of the Business Council of British Columbia. Prior to joining the business council, Lampert was a principal in a government relations/public affairs consulting firm. He served as chief of staff to two BC premiers and managed two successful provincial election campaigns in BC.

Dave Haggard was appointed to a two-year term in February 2008 by the Government of British Columbia. Haggard has extensive experience facilitating negotiations with industry, labour, and governments including First Nation governments. He was first elected in 1996 as national president of the Industrial, Wood and Allied Workers of Canada and has served as vice-president of the Canadian Labour Congress and the BC Federation of Labour. Born in Kamloops and raised in Barriere, Haggard's grandmother was a member of the Simpcw First Nation located by the North Thompson River. He is married to Eileen, a member of the Nuu-chah-nulth First Nation.



BC TREATY COMMISSION / WWW.BCTREATY.NET

THE INDEPENDENT VOICE OF TREATY MAKING IN BRITISH COLUMBIA

203 – 1155 WEST PENDER STREET, VANCOUVER BC V6E 2P4
TEL 1 800 665 8330 / 604 482 9200 FAX 604 482 9222
EMAIL INFO@BCTREATY.NET

FOR DETAILS ON THE SIX-STAGE TREATY
PROCESS AND RECOMMENDED RESOURCES SEE
WWW.BCTREATY.NET

Merging past and present, the Treaty Commission arrowhead represents the three Principals in modern-day treaty making — the governments of Canada, British Columbia and the First Nations Summit. Pointing in an upward and forward direction, the arrowhead signifies the coming together that is necessary to conclude a treaty and establish a new relationship.